

REMARKS

This is a full and timely response to the outstanding non-final Office Action mailed October 3, 2002. Reconsideration and allowance of the application and presently pending claims 1 – 5 and 7 – 20 are respectfully requested.

I. Present Status of Patent Application

Upon entry of this response claims 1 – 5 and 7 - 20 are pending in the present application. Specifically, claim 6 has been canceled without prejudice, waiver, or disclaimer and claim 1 has been amended.

II. Claims 1 – 5 are Patentable Over Prior Art of Record

The Office Action rejects claims 1 – 5 under 35 U.S.C. §102(b) as being anticipated by, what the Examiner refers to as, “applicant’s admitted prior art (Hereinafter referred to as APA pages 1 – 13).”

As mentioned above, Applicants have amended claim 1 to include the feature of “a generic interception communication interface.” The Office Action clearly states that “APA does not teach a generic interception communication interface.” For at least this reason, Applicants respectfully request that the Examiner withdraw this rejection and place claims 1 – 5 in condition for allowance.

III. Claims 7 – 20 are Patentable Over Prior Art of Record

The Office Action rejects claims 6 – 20 under 35 U.S.C. §103(a) as being unpatentable over “APA” in view of U.S. Patent No. 6,314,470 to Ward *et al.* (“the ‘470 patent”). For at least the reasons stated below, Applicants respectfully submit that this rejection should be withdrawn and claims 7 – 20 should be placed in condition for allowance.

In accordance with MPEP 706.02(l)(1), effective November 29, 1999, subject matter which was prior art under former 35 U.S.C. §103 via 35 U.S.C. §102(e) is disqualified as prior art against the claimed invention if that subject matter and the claimed invention “were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.” In this regard, Applicants submit that the ‘470 patent is only available as prior art under §102(e). The ‘470 patent issued November 26, 2001 from an application that was filed July 25, 1997. The present application was filed October 11, 1999. Therefore, the ‘470 patent is only available as prior art under §102(e).

Furthermore, Applicants submit that the present application and the ‘470 patent were, at the time the present invention was made, both owned by Hewlett-Packard Company.. The Examiner may confirm that the present application and the ‘470 patent were commonly-assigned at the time the present application was made by checking the records maintained at the Patent & Trademark Office and referring to the Assignment filed in the present application. Therefore, because the ‘470 patent is only available as prior art under §102(e) and because the present application and the ‘470 patent were both owned by Hewlett-Packard Company at the time the present invention was made, the ‘470 patent is disqualified as prior art. Accordingly, the rejection under §103 should be withdrawn and claims 7 – 20 placed in condition for allowance.

CONCLUSION

In light of the foregoing remarks and for at least the reasons set forth above, Applicants respectfully submit that all rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1 – 5 and 7 – 20 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a

telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned attorney at (770) 933-9500.

Respectfully submitted,

**THOMAS, KAYDEN,
HORSTEMEYER & RISLEY, L.L.P.**



Adam E. Crall
Registration No. 46,646

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington D.C. 20231, on 12/19/07.


Signature

ANNOTATED VERSION OF MODIFIED CLAIMS TO
SHOW CHANGES MADE

The following is a marked-up version of the claims with the language that is underlined (“ ”) being added and the language that is enclosed within brackets (“[]”) being deleted:

1. (amended) A method for intercepting an event, the method comprising [the steps of]:

generating an event by an application program interface;

transmitting said event to a generic interception communication interface that maintains communication between said application program interface and an intercept logic
[an intercept logic if event interception is enabled];

transmitting said event to said intercept logic if event participation is enabled;

determining if said event is to be processed by said intercept logic; and

processing said event.